

---

---

## SENATE BILL No. 225

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 21-41-9; IC 34-30-2-86.5.

**Synopsis:** Student media. Provides that media produced primarily by students at a state educational institution are a public forum for expression by the student journalists and editors at the institution and are not subject to prior review by officials of the institution. Provides that student editors of campus media are responsible for determining the content of the media, with an exception for teaching professional standards of grammar and journalism. Prohibits a student media adviser from being disciplined or retaliated against for refusing to suppress protected free expression rights. Allows a student or student media adviser to commence a civil action to obtain appropriate injunctive and declaratory relief, and provides for the awarding of attorney's fees. Defines "campus policy", and allows for discipline for unprotected speech. Specifies that a state educational institution is immune from liability for expressions made in student media.

**Effective:** July 1, 2008.

---

---

**Hershman**

---

---

January 8, 2008, read first time and referred to Committee on Education and Career Development.

---

---

C  
o  
p  
y



Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 225

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 21-41-9 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2008]:

4       **Chapter 9. Student Media Programs**

5       **Sec. 1. As used in this chapter, "campus policy" means the views**  
6       **and positions of a state educational institution issued by**  
7       **administrators, officials, or agents of the state educational**  
8       **institution.**

9       **Sec. 2. As used in this chapter, "student editor" means a student**  
10       **at a state educational institution who edits information prepared**  
11       **by student journalists for dissemination in student media.**

12       **Sec. 3. As used in this chapter, "student journalist" means a**  
13       **student at a state educational institution who gathers, compiles,**  
14       **writes, photographs, records, or prepares information for**  
15       **dissemination in student media.**

16       **Sec. 4. (a) As used in this chapter, "student media" means any**  
17       **matter that is:**

2008

IN 225—LS 6813/DI 71+



C  
o  
p  
y

(1) prepared, substantially written, published, or broadcast by students at a state educational institution;

(2) distributed or generally made available, either free of charge or for a fee, to members of the student body; and

(3) prepared under the direction of a student media adviser.

(b) The term does not include media that are intended for distribution or transmission solely in the classrooms in which the media are produced.

Sec. 5. As used in this chapter, "student media adviser" means an individual who is employed, appointed, or designated by a state educational institution to supervise or provide instruction relating to student media.

Sec. 6. (a) Student media produced primarily by students at a state educational institution are a public forum for expression by student journalists, student editors, students, faculty, and other contributors at that state educational institution.

(b) Student media, whether or not sponsored by a state educational institution, are not subject to prior review by officials of the state educational institution.

Sec. 7. (a) Student editors of student media are responsible for determining the news, opinions, feature content, and advertising content of student media.

(b) This section does not prevent a student media adviser from teaching professional standards of grammar and journalism to student journalists.

(c) A student media adviser may not be terminated, transferred, removed, otherwise disciplined, or retaliated against for refusing to suppress protected free expression rights of student journalists, student editors, or other contributors to student media.

Sec. 8. (a) A student enrolled in a state educational institution or a student media adviser of a state educational institution may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for violation of section 7 of this chapter by the state educational institution.

(b) Upon motion, a court may award attorney's fees to a prevailing party in a civil action brought under this section.

Sec. 9. Expressions made by a student journalist, student editor, or other contributor to student media are not:

(1) expressions of campus policy; or

(2) speech attributable to a state educational institution.

Sec. 10. Nothing in this chapter prohibits the imposition of discipline for:

C  
o  
p  
y



1           (1) harassment, threats, or intimidation, unless  
2           constitutionally protected; or

3           (2) speech that is not constitutionally protected, including  
4           obscenity or incitement.

5           **Sec. 11. A state educational institution is immune from liability**  
6           **arising from expression actually made in student media, with the**  
7           **exception of the state educational institution's own expressions.**

8           SECTION 2. IC 34-30-2-86.5 IS ADDED TO THE INDIANA  
9           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
10          [EFFECTIVE JULY 1, 2008]: **Sec. 86.5. IC 21-41-9-11 (Concerning**  
11          **a state educational institution for expressions made in student**  
12          **media).**

**C**  
**O**  
**P**  
**Y**

